

TOMMY JOE BOLDEN §
v. § CIVIL ACTION NO. 6:08cv406
DIRECTOR, TDCJ-CID §

The Petitioner Tommy Bolden, proceeding *pro se*, filed this application for the writ of habeas corpus complaining of the legality of his sentence computation. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

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had not properly presented his claim to the highest court for the State of Texas, rendering it unexhausted for purposes of federal habeas corpus relief.

Bolden filed a motion for extension of time in which to object to the Report, which was granted. In his objections, however, Bolden does not address the question of exhaustion at all, simply arguing that he should have been released on July 9, 2008, which was his projected release date prior to the recalculation, and saying that he “was under the assumption that petitioner had every right to petition the courts.” His objections fail to show that the Magistrate Judge’s Report was incorrect.


The Court has conducted a careful *de novo* review of the pleadings in this case, the Report of the Magistrate Judge, and the Petitioner’s objections thereto. Upon such *de novo* review, the Court has concluded that the Report of the Magistrate Judge is correct and that the Petitioner’s objections are without merit. It is accordingly

ORDERED that the Petitioner’s objections are overruled and that the Report of the Magistrate Judge is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled application for the writ of habeas corpus be and hereby is DISMISSED without prejudice for failure to exhaust state remedies. It is further

ORDERED that any and all motions which may be pending in this cause are hereby DENIED.

SIGNED this 26th day of April, 2009.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE